

Declaration of Robert Earl Council

Pursuant to 28 U.S.C. 1746, I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on: November 7, 2023

Signed: 

Robert Earl Council

The below listed incidents summarize some, though not all, of the retaliation I have faced and the protected activity that I have engaged in from Lt. Pelzer and Limestone officers.

1. **December 2, 2016, at Limestone- Officers Doizer and Shoulders beat Pl. and sprayed him with mace**
2. December 11, 2017, at Donaldson- Pl. filed a writ of habeas corpus **alleging that he was held in segregation for four years since January 22, 2014, without being afforded a hearing, regular review or the means to return to population**
3. **February 28, 2019, at St. Clair-CERT and SWAT teams enter Pl.'s cell, destroying possessions**
4. **February 28, 2019- Pl. was transferred from St. Clair to Holman, placed in solitary**
5. March 1, 2019 to March 12, 2019, at Holman- for nearly two weeks Pl. engages in hunger strike
6. **March 2019- Pl. was transferred from Kilby for nine days before going to Limestone**
7. May 2019, at Limestone- Pl. exposes to newspapers that Limestone officers were illegally employing a dehumanizing "bucket detail" to search prisoners for contraband, forces officials including Capt. Patrick Robinson to retire
8. June 2019, at Limestone- Pl. assists another prison with filing a complaint against Lt. Bright for throwing away prisoners' legal documents
9. July 29, 2019, at Limestone- Pl. assists Travis Griggs, AIS 212909, in filing a 1983 lawsuit against Sgt. Pelzer for excessive force
10. October 2019, at Limestone- Pl. reported that Capt. McKenzie, Sgt. Pelzer, and Capt. Langford were involved in an illegal gambling and extortion ring at Limestone; Sgt. Pelzer ordered several officers to shakedown prisoners operating sports gambling ring without his permission
11. October 28, 2019, at Limestone- Pl. contacted media outlets about the illegal gambling and extortion ring that Capt. McKenzie, Sgt. Pelzer, and Capt. Langford ran inside the prison
12. **October 29, 2019, at Limestone- Sgt. Pelzer choked prisoner Larry Jones and stated, "I want Robert Council....I'm tired of this bastard and all his lawsuits." Sgt. Pelzer and Officer Brewer intimidated Larry Jones to declare Pl. as his enemy**
13. **October 29, 2019, at Limestone- Sgt. Pelzer asked Officer Brewer to plant drugs in Pl.'s cell; Officer Brewer claimed to find five pieces of paper with drugs in Pl.'s cell**
14. **October 30, 2019, at Limestone- officers placed Pl. in solitary confinement for seven months based on the disciplinarys for drug possession**

15. **October 31, 2019, at Limestone- Sgt. Pelzer served Plaintiff with disciplinary alleging Pl. Organized the STG 62 Brim gang to distribute drugs at Limestone**
16. October 30, 2019 to November 12, 2019, at Limestone-Pl. engages in a hunger strike
17. November 7, 2019, at Limestone-- Pl. filed a Complaint to Warden Deborah Toney, Scarlett Robinson, Capt. McKenzie, and Langford, reporting the illegal and unconstitutional acts of Sgt. Pelzer and Officer Brewer
18. **November 2019, at Limestone- Pl. learned that Sgt. Pelzer had made threats against Pl.'s friend, Elizabeth Davenport**
19. January 6, 2020, at Limestone- Pl. filed another complaint to Limestone supervisors requesting an I&I investigation into actions of Sgt. Pelzer and Officer Brewer
20. January 9, 2020, at Limestone- Pl.'s attorney David Gespass sent a letter to ADOC's Institutional Officer, Cheryl Price, informing her of the situation involving Pl. and requesting that she intervene and transfer Pl. away from Limestone. **No Action was taken.**
21. January 17, 2020, at Limestone- Pl. filed a complaint to Commissioner Jefferson Dunn, outlining the failure of the Limestone supervisory officials to investigate the actions of Sgt. Pelzer and Officer Brewer. **No Action was taken.**
22. **January 21, 2020, at Limestone- the day that Pl. was to be released from solitary confinement and back into general population Pl. was notified that he was required to remain in segregation indefinitely. Allegedly, Pl. had two enemies transferred to the facility.**
23. May 15, 2020 transferred from Limestone to Donaldson
24. September 28, 2020, at Donaldson- Pl. filed a federal lawsuit against Sgt. Pelzer, Officer Brewer, Capt. McKenzie, and Capt. Langford alleging that their retaliation against him for filing lawsuits against Sgt. Pelzer and exposing the officers' corruption at Limestone in 2019 violated his First, Eighth, and Fourteenth Amendment rights.
25. January 30, 2021, at Donaldson- Pl. pleaded with multiple correctional officers to stop beating Ephan Moore
26. **January 30, 2021, at Donaldson- Four officers entered Pl.'s cell and beat him until he was unconscious. Pl. was airlifted to UAB hospital permanently blinded in his left eye.**
27. February 2021- transferred from UAB to Kilby
28. **December 17, 2021- transferred from Kilby to Limestone**
29. **December 17, 2021- Pl. had a verbal altercation with Lt. Sean Bright, Pl. was accused of cursing at Lt. Bright; ten days later on December 27, 2021, Pl. was served a disciplinary for insubordination**
30. **December 17, 2021- January 7, 2021 at Limestone-Pl. was placed in solitary in a cell that had mace and gas all over the walls from recently being sprayed**
31. January 7, 2022, at Limestone- Pl. was released from solitary to general population
32. January 7, 2022, at Limestone- Pl. was informed that Captain Caldwell voided the December 27, 2021, disciplinary for insubordination
33. **January 14, 2022, at Limestone- Officer Kenneth Noe served Pl. the exact same disciplinary for insubordination from December 27, 2021, saying that it had been reinstated**
34. **January 28, 2022, at Limestone- over Pl.'s objection that the disciplinary was void and failed to comply with ADOC's Administrative Regulations, Lt. Hanser**

- Whitfield found Pl. guilty. Three days later, Warden Streeter approved the voided disciplinary.
35. January 28, 2022, at Limestone- Pl. was placed into segregation without a detention notification as required by ADOC administrative regulations; Pl. was placed in administrative segregation block (C).
 36. January 31, 2022 at Limestone- Pl. was returned to segregation for (1) his speaking to media over a phone call allegedly violated policy and (2) the reinstated December 27, 2021 disciplinary
 37. February 10, 2022- ADOC's media office clarified to a journalist that ADOC regulations permitted prisoners to communicate with media over the phone
 38. February 10, 2022- Thirteen days after placed in segregation, Pl. received a detention notification informing Pl. that he was placed in segregation per an LESD investigation. This notification was contrary to the two reasons given by Captain Caldwell on January 31, 2022.
 39. On February 21, 2022- Pl. filed an Admin. Regulation 208 Complaint against ADOC and Limestone supervisory officials for the due process violations he had experienced since arriving at Limestone
 40. September 26, 2022, at Limestone- prisoners at all thirteen (13) major ADOC prison facilities went on strike, withholding their labor from food service and janitorial jobs and demanding improvement to conditions
 41. **September 28, 2022, at Limestone- after Pl. refused to call off the strike, a CERT team twisted Plaintiff Council's arm behind his back, handcuffed him and dragged him by an arm and leg across the floor**
 42. September 28, 2022, at Limestone- Pl. was placed in segregation
 43. September 29, 2022, at Limestone- Pl. told his mental health counselor that his life was in danger
 44. September 30, 2022- Pl. began a hunger strike
 45. October 3, 2022, at Limestone- disciplinaries were administered on him
 46. October 3, 2022, at Limestone- spoke with his mental health counselor and expressed concern about his life being in danger
 47. October 17, 2022- Pl. had a disciplinary hearing on seven (7) disciplinaries, Lt. Pelzer alleges that Pl. assaulted officers and incited a riot on September 28, 2022; found guilty despite not being allowed to call witnesses.
 48. October 24, 2022, at Limestone- his cell was shook down by Officer Brewer
 49. October 29, 2022, at Limestone- papers were left under his door saying he was under investigation.
 50. On November 2, 2022- Warden Streeter affirmed the disciplinary hearing
 51. November 3, 2022, at Limestone- his cell was shook down by Officer Brewer
 52. November 8, 2022, at Limestone- delivered notice of reclassification hearing the next day related to seven (7) disciplinary charges and Pl.'s alleged actions on September 28, 2022 in B dorm.
 53. November 9, 2022, at Limestone- reclassification hearing; found guilty despite not being allowed to call witnesses and after Lt. Pelzer lied during the hearing
 54. November 14, 2022, at Limestone- his cell was shook down by Officer Brewer
 55. **November 28, 2022, at Limestone- Officers Brewer and Mike Jones threw Pl. to floor, cut his clothes off, placed him in a suicide cell**

56. December 2, 2022, at Limestone- Officer Brewer sprayed Plaintiff Council with mace directly in his eyes
57. December 13, 2022, at Limestone- Pl. was served with two fabricated disciplinarys for promoting prison contraband
58. December 16, 2022, at Limestone- Pl. was served with two fabricated disciplinarys for promoting prison contraband
59. April 2023, at Limestone- Pl. informed Limestone classification staff that he feared for his life at Limestone
60. May 24, 2023-June 14, 2023- Lt. Pelzer made a statement to another inmate that “Robert Earl is the reason Lewis (head of the Crips) can’t get out”, “Even if vall killed him I’ll make sure nothing happens to vall”
61. June 20, 2023, at Limestone- Officer Charley stated, “What you looking at? That’s why you lost a eye at West Jefferson.”
62. June 20, 2023, at Limestone- Officer Gilbert and Officer Collins said, “Fuck that shit. I’m gone start sending their ass out the back gate,” [referring to killing prisoners)
63. July-August 2023, at Limestone- Pl. reports that officers, including Lt. Pelzer, used excessive force against five prisoners; civil rights attorneys began to make legal calls and visits to those prisoners
64. July 5, 2023, at Limestone- officers shook down Pl.’s cell and tore everything apart.
65. October 3, 2023, at Limestone- Pl. spoke with his mental health physician Mr. Graham and expressed concerns about his life being in danger
66. October 15, 2023, at Limestone- Lt. Pelzer and two other officers assault Pl. with cell buster pepper spray
67. October 16, 2023, at Limestone- Sgt. Steven Parker fabricates (4) disciplinarys against Pl. claiming that he assaulted a correctional officer
68. October 30, 2023, at Limestone- Officers hold a sham disciplinary hearing to rubberstamp the four (4) disciplinary violations against Pl. and justify placing him in segregation
69. October 15, 2023-present, Limestone- Pl. remains in solitary